

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2172 of 2014 O&M)
Date of Decision.26.05.2015

Satnam Singh

.....Petitioner

Versus

Taranjot Kaur alias Harjot Kaur

.....Respondent

Present: Mr. A.S. Gulati, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

C.M. No.6967-CII of 2015

Application is allowed.

The main case is taken up today itself for hearing.

C.R. No.2172 of 2014

1. The petitioner is the husband who is against the order setting aside the ex parte decree of divorce obtained by him. The application for setting aside ex parte decree was filed on a plea that the counsel who the wife had engaged to defend had died before the date of hearing and produced proof through a certificate issued by the President of the Bar Association, Ambala that the counsel Sh. S.K. Jain who was said to have been engaged had died on 25.09.2012. It appears that the petitioner had originally filed an appeal against the ex parte decree and this Court had directed the party to file an application to set aside the ex parte decree instead of canvassing the correctness of the decision in

appeal. Accordingly the petition has been filed.

2. There were two objections taken. One, the petition was barred by limitation. Two, the husband had actually remarried after the statutory period of wait and therefore, he will be greatly prejudiced if the ex parte decree was set aside. The trial Court has found that there could be no doubt about the fact that the wife had engaged a counsel who had died subsequently after his engagement but before the date of hearing and found the absence to be for justifiable reasons and so too, the cause for delay. Adverting to defence that he had married subsequent to the decree, the Court had found that there had been a child born even within six months from the date of alleged marriage and it had, therefore, observed that he must have been either married or living with another person even prior to the petition. It found the conduct of the husband to be not appropriate to take his objection for the wife's application for setting aside the ex parte decree. The order is very well reasoned and I would find no reason to interfere with the same.

3. The revision petition is dismissed.

(K. KANNAN)
JUDGE

May 26, 2015
Pankaj*